



Community Development Department
BISMARCK BOARD OF ADJUSTMENT
MEETING AGENDA

April 6, 2017

Tom Baker Meeting Room

5:00 p.m.

City-County Office Building

MINUTES

1. Consider the minutes of the March 3, 2017 meeting of the Board of Adjustment.

REQUESTS

2. **Variance from Section 14-04-06(7) of the City Code of Ordinances (R10 – Residential / Front Yard) – Lot 3, Block 5, Shannon Valley Addition (935 North 34th Street) | VAR2017-003**
Owner / Applicant: Brandon Scholz

Board Action: ☐approve ☐continue ☐table ☐deny

ADJOURNMENT

3. **Adjournment.** The next regular meeting date is scheduled for May 4, 2017



**BISMARCK BOARD OF ADJUSTMENT
MEETING MINUTES
March 2, 2017**

The Bismarck Board of Adjustment met on March 2, 2017, at 5:00 p.m. in the Tom Baker Meeting Room in the City-County Office Building, 221 North 5th Street. Chairman Marback presided.

Members present were Chris Seifert, Ken Heier, Ken Hoff, Michael Marback and Rick Wohl.

Member absent was Jennifer Clark.

Staff members present were Jenny Wollmuth – Planner, Brady Blaskowski – Building Official, Jason Hammes – Assistant City Attorney and Hilary Balzum – Community Development Administrative Assistant.

MINUTES:

Chairman Marback called for approval of the minutes of the November 3, 2016 meeting of the Board of Adjustment.

MOTION: A motion was made by Mr. Seifert and seconded by Mr. Hoff to approve the minutes of the November 3, 2016 meeting, as presented. With Board Members Heier, Hoff, Marback, Seifert and Wohl voting in favor, the minutes were approved.

VARIANCE FROM SECTION 14-04-07(9) OF THE CITY CODE OF ORDINANCES (RM-RESIDENTIAL/REAR YARD) – LOT 1A OF LOT 1, BLOCK 1, EDGEWOOD VILLAGE 4TH ADDITION AND LOT 1B, BLOCK 1, EDGEWOOD VILLAGE 4TH ADDITION (3400 NEBRASKA DRIVE AND 2836 FLORIDA DRIVE)

Chairman Marback stated the applicant, Baptist Home, Inc., is requesting a variance to reduce the required rear yard setback located along the south side of one property (3400 Nebraska Drive) and north side of another property (2836 Florida Drive), from twenty (20) feet to zero (0) feet in order to construct an addition to the existing assisted living facility across a property line.

Ms. Wollmuth gave an overview of the request, including the following findings:

1. The need for a variance is not based on special circumstances or conditions unique to the specific parcel of land involved that are not generally applicable to other properties in this area and within the RM-Residential zoning classifications.

2. The hardship is not caused by the provisions of the Zoning Ordinance.
3. Strict application of the provisions of the Zoning Ordinance would not deprive the property owner of the reasonable use of the property.
4. The requested variance is not the minimum variance that would accomplish the relief sought by the applicant.
5. The granting of the variance is not in harmony with the general purposes and intent of the Zoning Ordinance.

Ms. Wollmuth said staff recommends reviewing the findings in the staff report and modifying them as necessary to support the decision of the Board.

Ms. Wollmuth said she did speak with the resident who submitted their comments in opposition to this request. These comments are attached as Exhibit A.

Chairman Marback opened the public hearing.

Mr. Hoff asked where exactly the property line is. Ms. Wollmuth said it is that line highlighted on the lot exhibit provided with the staff report.

Mr. Heier asked if a lot split for this location was approved knowing there was going to be new construction on it. Ms. Wollmuth said staff did understand there was going to be a new building at this location when the lot split was approved; however, staff would not have approved the lot modification if they had known an enclosed walkway was going to be placed over the property line.

Mr. Seifert asked why the property was split if the applicant knew they were going to expand their facilities. Ms. Wollmuth said the applicant is present and would probably be best to answer that question.

Mr. Hoff asked if the building would meet all of the other requirements of the ordinance without the enclosed walkway. Ms. Wollmuth said it would, based on the site plan submitted with the application. She said lot coverage and all other zoning requirements would be met.

Mr. Hoff asked why the ordinance definition is in place of not building up to or over a property line. Ms. Wollmuth said it is for the purpose of having consistent setbacks and maintaining individual parcels in the event of the sale of a property.

Mr. Blaskowski said there are some zoning districts with zero foot setback requirements, so fire and life safety issues do vary, but the zoning district this property is located in does have these setback requirements in place.

Andrew Centanni, Elim Care, Inc., said their facilities have a 90-year history of senior care within four states and 15 sites. He said most of their designs are similar to the one proposed here and having two separate parcels is necessary in order to accommodate the various levels of care provided. He said they have many couples in senior care who are in need of different services, so they end up separated and it then becomes necessary to create continuity to allow for visits between the facilities. He said the setback variance is needed in order to accommodate the link of the two structures so staff and residents have a connection between the buildings, chapel and other care levels. He said the significant weather issues in North Dakota makes it crucial that there be good, clear access between the properties so as to avoid access hardships for staff, visitors and residents.

Mr. Hoff asked what their plan was when the properties were split. Mr. Centanni explained that the two entities that facilitate the senior care and the assisted living must remain separate, similar to the how their other facilities are run as required by the corporation and because of the financial structures and state reimbursements associated with the different levels of care.

Christine Soma, Pope Architects, said the care center and the assisted living facility are two totally separate care models and it is very common in this industry to keep them divided.

Mr. Centanni said the hesitation to combine the properties and entities also has to do with the complexity of the senior care system regarding Medicaid and it can become ambiguous because of the variations of requirements for senior care versus assisted living.

Mr. Hoff asked who would pay for the enclosed walkway if it is on two separate properties. Mr. Centanni said the two separate entities would pay for what is on their parcel up to the property line.

Mr. Hoff said he does not see the hardship with this request because they could easily just recombine the lots. Mr. Centanni said the owners will not combine them because of the need for them to remain separate for the reasons already given.

Chairman Marback said memory care and assisted living are like night and day when it comes to how the state is involved. He said the state inspection at the existing property is not complete yet, and for reimbursement purposes, the entities need to remain separate. He said this property is surrounded by rights-of-way and will not have any impact on any neighboring property. He said there is a hardship because, in order to operate appropriately, the entities must remain separate and there is a need for a zero-foot setback in order for the property to function properly.

Mr. Heier said he has a problem with a precedent being set with future requests that might also lack a legitimate hardship.

Chairman Marback said it is very unlikely that this request will come up again any time soon.

Jason Petryszyn, Swenson, Hagen & Co, said the lot modification to split the properties was prepared last year with the existing facility on one part and the proposed new facility on another. He said he was told that once the first facility was established they would build the second facility, so the existing facility was positioned on the lot according to the plans for expansion. He said the applicant intended to have the facilities connected when the process started in 2012.

Mr. Heier said he feels this situation and the need for a variance was self-created and he does not support a variance because of that.

There being no further comments, Chairman Marback closed the public hearing.

Mr. Wohl said they can either grant the variance or have the lots be recombined. He said understands the rules from a medical care standpoint, but they should be allowed to have an owner and the option to lease the space to avoid a variance.

Mr. Petryszyn said he has seen some hospital groups locally be separate entities but under one umbrella facility, but things must be done a certain way with this type of care because of the medical and state requirements.

Mr. Seifert said he understands the need to keep the entities separate and why the lot split was performed. He said the hardship to him is that the access between the buildings is needed in order to function properly and agrees that the granting of a variance would not have a negative impact on any of the adjacent properties.

Chairman Marback said a variance on each property would be independent of each other and agrees that it would not negatively impact any adjacent properties.

Mr. Seifert said he does not feel the ability to sell the properties in the future would be an issue if the variances are granted.

MOTION: A motion was made by Mr. Heier to deny the variance to reduce the required rear yard setback located along the south side of one property (3400 Nebraska Drive) and north side of another property (2836 Florida Drive), from twenty (20) feet to zero (0) feet in order to construct an addition to the existing assisted living facility, on Lot 1A of Lot 1, Block 1, Edgewood Village 4th Addition and Lot 1B of Lot 1, Block 1, Edgewood Village 4th Addition. The motion was seconded by Mr. Hoff and with Board Member Heier voting in favor of the motion and Board Members Hoff, Seifert, Wohl and Marback opposing the motion, the motion failed.

MOTION: A motion was made by Mr. Seifert to approve the variance to reduce the required rear yard setback located along the south side of one property (3400 Nebraska Drive) and north side of another property (2836 Florida Drive), from twenty (20) feet to zero (0) feet in order to construct an addition to the existing assisted living facility, on Lot 1A of Lot 1, Block 1, Edgewood Village 4th Addition and Lot 1B of Lot 1, Block 1, Edgewood Village 4th Addition, based on the need for appropriate access between the facilities due to the physical climate and in order to provide necessary shelter for the residents and staff in doing so. The motion was seconded by Mr. Wohl and with Board Members Hoff, Marback, Seifert and Wohl voting in favor of the motion and Board Member Heier opposing the motion, the motion was approved and the variance was granted.

OTHER BUSINESS

There was no other business to discuss at this time.

ADJOURNMENT

There being no further business, Chairman Marback declared the meeting of the Bismarck Board of Adjustment adjourned at 5:46 p.m. to meet again on April 6, 2017.

Respectfully Submitted,

Hilary Balzum
Recording Secretary

APPROVED:

Michael Marback, Chairman

RECEIVED
MARCH 12 2017ATTN: BOARD OF ADJUSTMENT

This is in regard to the notice that is dated 02-17-2017 in regard to the March 2nd meeting at 5:00 P.M. On the Baptist Home requesting a variance to add more buildings on to their existing property.

Do you realize what this does to residential people in the area?..In the first place, why didn't they do this in the first place as they had assisted living in their old location. This was only a few years ago that they built the new structure and all of a sudden they need more room. We moved to Nebraska Drive in March of 2012 and right away we had to put up with all the dirt, insulation, etc. blowing unto our properties not to mention all the truck traffic during this construction time. When we bought our condo, it was mostly retired people living on this street and there was a dead end right to the North of us. We bought thinking this would be a wonderful place to retire. But it has been a nightmare, as the Baptist Home, more homes to the North (during the oil boom), and then Legacy High School Constructions. We have lived through all this noise and dirt and all the continuing traffic we have had to put up with each and every day.

This brings me to the biggest point of all. The pavement would have lasted us residents for years and years, but who is ruining the street? It is all the large and heavy trucks hauling construction supplies and equipment!!! This street already needs work and if they start construction again, it will never be driveable. Who is going to pay the large "special" taxes on this street damage repair. How can you expect us retired people living on a fixed income to incur these large specials, when our personal vehicles and our few trips are not at ALL responsible for the damage!!! Think about it!! The Baptist Home and Legacy High school should pay all of these added specials.

Another question is WHY do they not complete the few blocks of Calgary that goes past Legacy High School out to Centennial Rd.? This would take a lot of the school traffic away from Nebraska Dr. If there is one person, as I have heard, that does not want to pay the special taxes for this to be done, then why does he have more clout than us poor retired people. The traffic from the School students is absolutely awful, as they rev their engines and speed terribly past all of these homes not to mention they do NOT yield at the yield sign on Calgary, we have almost been hit several times. Why did this residential street all of a sudden become one of the busiest streets in the city.

Think long and hard about giving the Baptist Home this variance. They had their chance when they first built there, now to put the residents on Nebraska through dirt and traffic adding more and more problems to the deteriorating of the street. Also, we DO NOT want to pay the "specials" taxes to fix the street. As I said the ones that did the damage need to pay them in full!!!!!!
BOARD OF THE 3301 ARROW HEAD RANCH CONDO ASSOCIATION



STAFF REPORT

City of Bismarck
Community Development Department
Planning Division

Agenda Item # 2

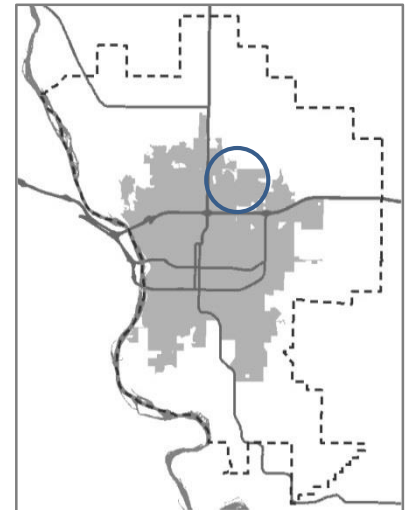
April 6, 2017

Application for: Variance

TRAKiT Project ID: VAR2017-003

Project Summary

Title:	Lot 3, Block 5, Shannon Valley Addition (935 North 34 th Street)
Status:	Board of Adjustment
Owner(s):	Brandon Scholz
Project Contact:	Brandon Scholz
Location:	In northeast Bismarck, in the southeast quadrant of the intersection of North 34 th Street and Crocus Avenue.
Request:	Variance from Section 14-04-06(7) of the City Code of Ordinances (R10 – Residential / Front Yard)



Staff Analysis

The applicant is requesting a variance to reduce the required front yard setback along the west side of their property, adjacent to North 34th Street, from twenty-five (25) feet to twenty-three (23) feet in order to construct a covered porch on a single-family dwelling already under construction. The property is located on a corner lot and, according to the site plan submitted with the application, the single-family dwelling would meet all other setback requirements.

The applicant obtained a building permit to construct the single-family dwelling in September 2016. Prior to issuing the building permit, the site plan and building plans were submitted for review. The proposed covered porch was not shown on the site plan, which is reviewed for setback compliance. However, the proposed covered porch was somewhat shown on the building elevations but was unclear as no posts, which would indicate a larger than standard eave, were shown.

During the framing inspection it was discovered that the proposed covered porch extended two (2) feet into the required front yard setback. Building setback measurements are taken during the foundation

inspection prior to pouring concrete and are measured from the building wall, not the building eave. The building inspector did inform the applicant during the inspection that approval of a variance would be required in order to continue the construction of the covered porch. A copy of the inspection report is attached.

Applicable Provision(s) of Zoning Ordinance

Section 14-02-03 of the City Code of Ordinances (Definitions) defines a variance as, "A device which grants a property owner relief from certain provisions of the zoning ordinance when, because of the particular physical surroundings, shape or topographical condition of the property, compliance would result in a particular hardship upon the owner, as distinguished from a mere inconvenience or desire to increase the financial return."

Section 14-04-06(7) of the City Code of Ordinances (R10 – Residential / Front Yard) states, "Each lot shall have a front yard of not less than twenty-five (25) feet in depth." According to the information submitted with the application, the proposed front porch would extend two (2) feet into the required twenty-five (25) front yard setback along the east side of the property adjacent to North 34th Street.

(continued)

Required Findings of Fact

1. The need for a variance is not based on special circumstances or conditions unique to the specific parcel of land involved that are not generally applicable to other properties in this area and within R10 – Residential classification.
2. The hardship is not caused by the provisions of the Zoning Ordinance.
3. Strict application of the provisions of the Zoning Ordinance would not deprive the property owner of the reasonable use of the property.
4. The requested variance is not the minimum variance that would accomplish the relief sought by the applicant.
5. The granting of the variance is not in harmony with the general purposes and intent of the Zoning Ordinance.

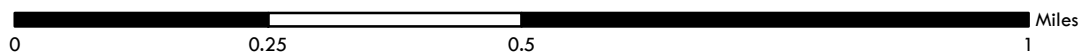
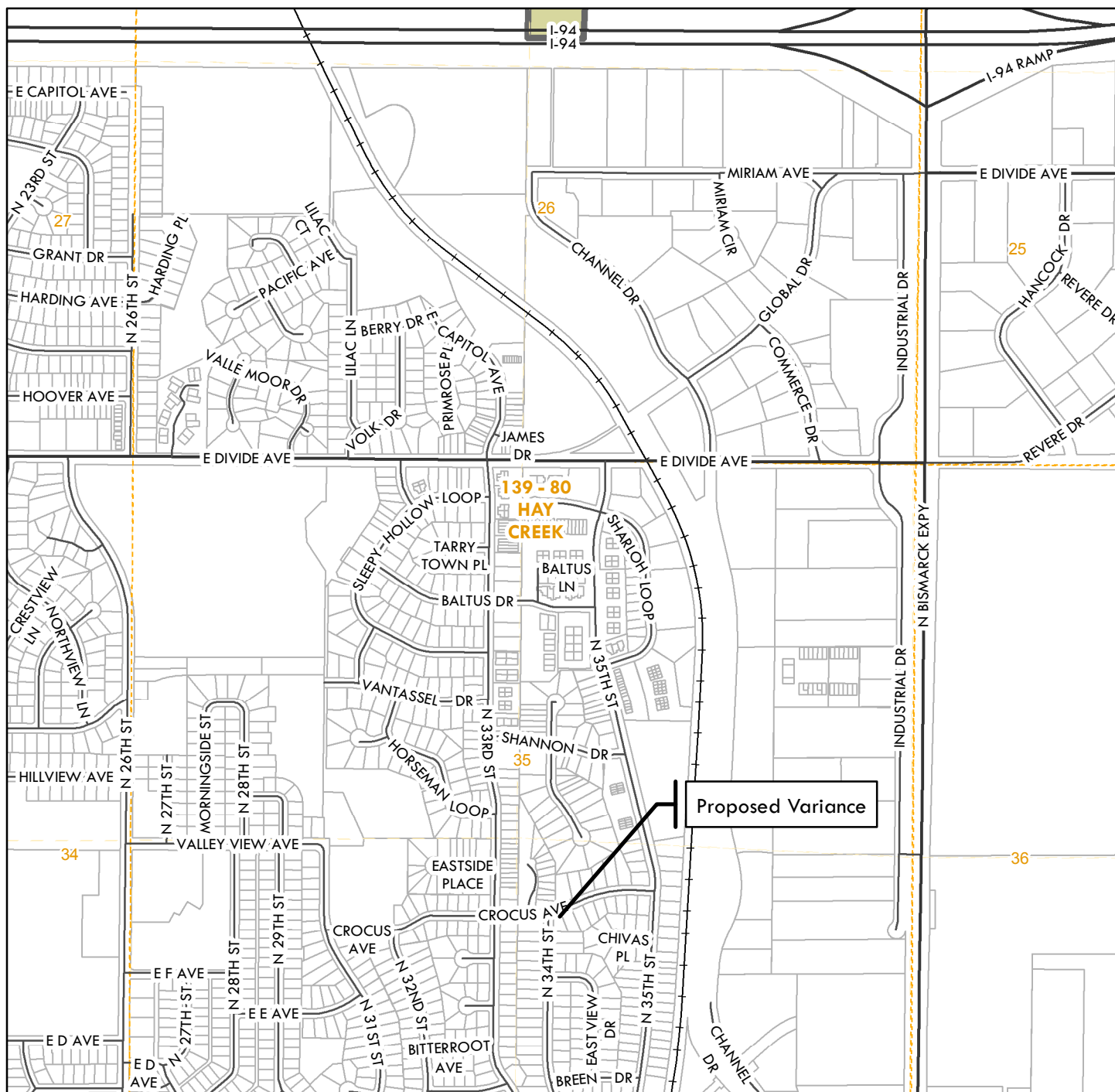
Staff Recommendation

Staff recommends reviewing the above findings and modifying them as necessary to support the decision of the Board.

Attachments

1. Location Map
2. Lot Survey
3. Building Permit | *BRES2016-0609*
4. Building elevation
5. Inspection report
6. Truss Plan
7. Written Statement of Hardship

Staff report prepared by: Jenny Wollmuth, CFM, Planner
701-355-1845 | jwollmuth@bismarcknd.gov

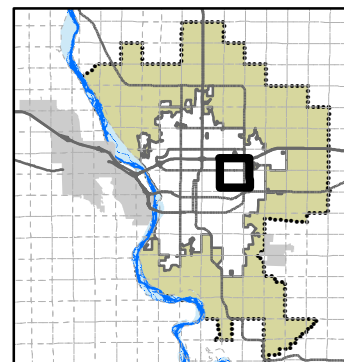


City Limits



Bismarck ETA Jurisdiction

Section, township, and range indicated in orange



City of Bismarck
Community Development Department
Planning Division
March 31, 2017 (HLB)

This map is for representational use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.



BUILDING RESIDENTIAL
NEW
SINGLE FAMILY DWELLING

Permit: BRES2016-0609
Approved By: FDOS
Issued Date: 9/15/2016
Expiration Date: 3/14/2017
Permit Fee: \$1276.42

Bismarck Community Development Department *Building Inspections

221 North 5th Street * PO Box 5503 * Bismarck, ND 58506-5503 * www.bismarcknd.gov

* Phone: 701-355-1465 * Fax: 701-258-2073

Owner: SCHOLZ, BRANDON & MICALA

Contractor:

Address: 935 N 34TH ST

Phone Number:

Location: CITY OF BISMARCK

Front Yard Set Back: 25

Property Number: 1340-005-010

Rear Yard Set Back: 20

Legal Description: LOT 3 LOT 3 LOT 3

Side Yard Set Back: 6-0

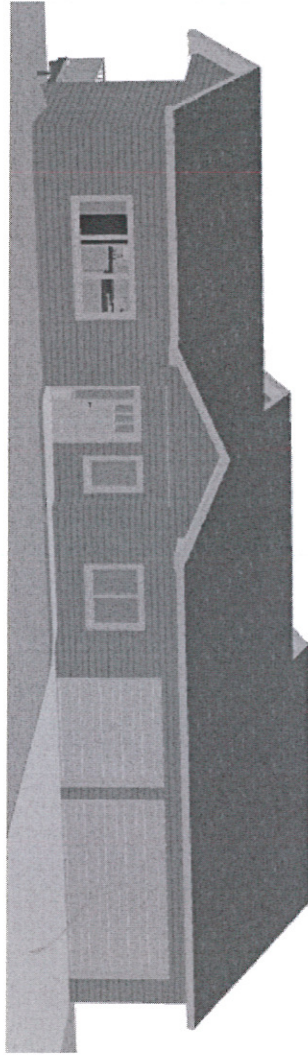
Easements: 7' UE REAR PL (E)

Description of Work: SINGLE FAMILY WITH FINISHED BASEMENT

Additional Notes:

Work under this permit must commence within 180 days of permit issuance. Permittee must comply with all codes and ordinances applicable to work. Issuance of the permit does not grant any authorities to erect, modify, or use any structure in violation of any code or ordinance. All required inspections, including a final inspection, must be requested by the Permittee. In consideration for connection to City utilities, Permittee agrees to pay all applicable utility fees and charges pursuant to City Ordinance. This permit creates no warranties with regard to construction or code compliance. The inspections under this permit are for the benefit of the public and not the Permittee and the inspections do not create a duty to the Permittee, this owner, or to a subsequent purchaser with regard to quality of construction or code compliance. Federal law may require this construction project to conform to the Americans with Disabilities Act Accessibility Guidelines for Building and Facilities.

Cover Page



Midwest Drafting
& Design

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Drawn By: Dave Anderson

Date: 9-10-16

Scale: No Scale

PROJECT: Ranch House Plans

ADDRESS:

OWNER: Brandon Scholz

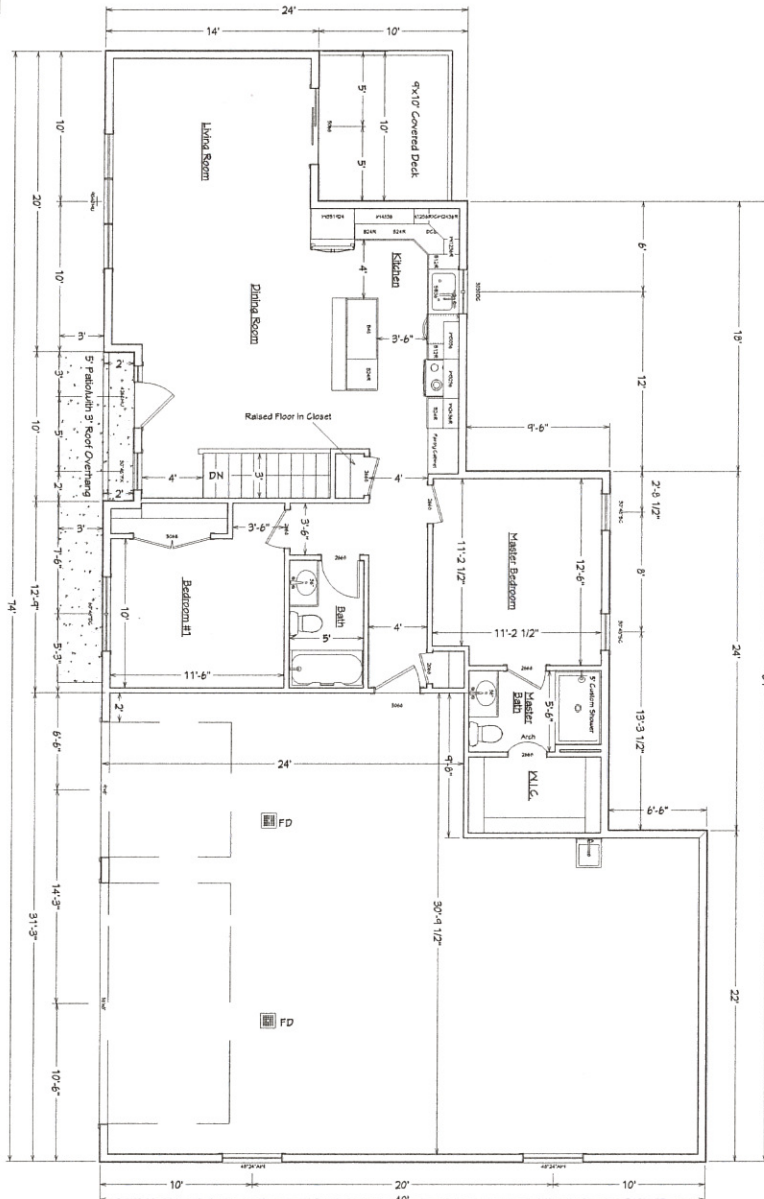
The Plans and elevations are only conceptual & give the client an example of what is to be built. A contractor or an Architect is responsible for verifying the dimensions & other information on these plans. Midwest Drafting & Design can not be held responsible for inaccurate information that may lead to additional cost for the owner or a delay in the project.

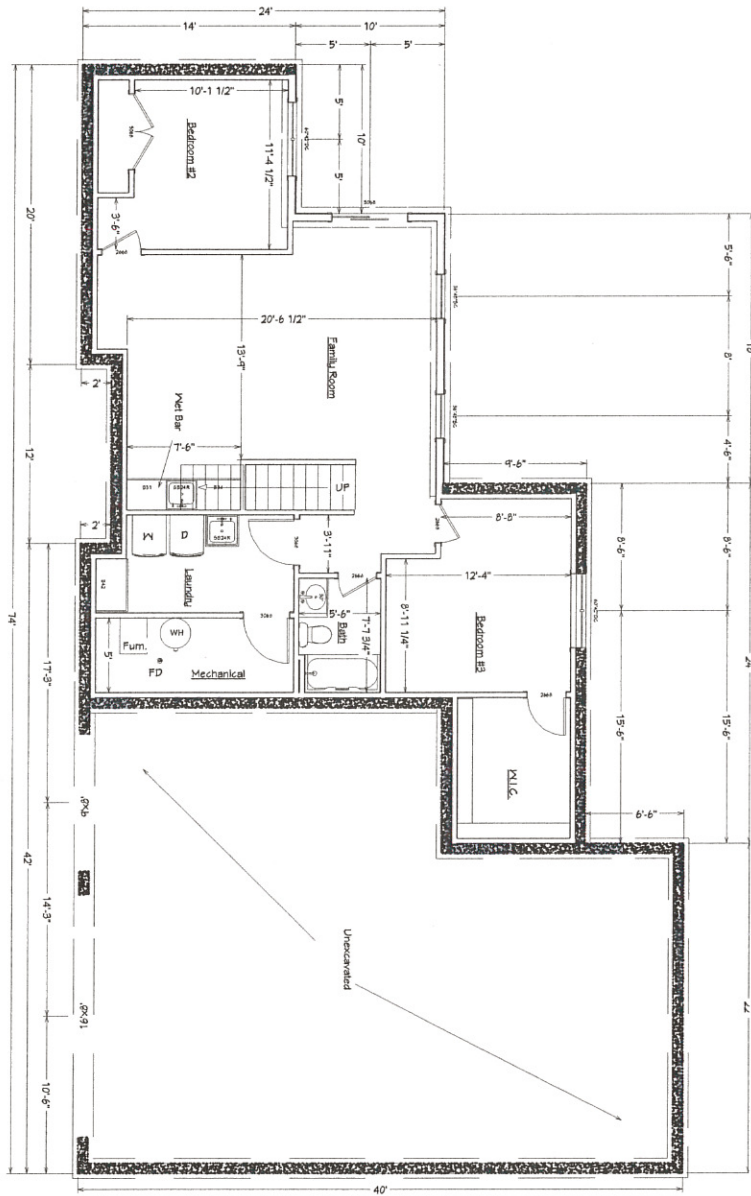
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1204 Johns Drive
Mandan ND
Cell # 400-5981

- Notes
- 1st Floor SQFT = 1113
 - Lower Level SQFT = 1113
 - Garage SQFT = 1095
 - 9' Ceiling 1st Floor
 - 8' Ceiling Lower Level
 - Floor Trusses set into Foundation
 - All Dimensions are from stud to stud.
 - 22" Floor Trusses

Floor Plan
1/8"=1'-0"





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Drawn By: Dave Anderson

Date: 9-10-16

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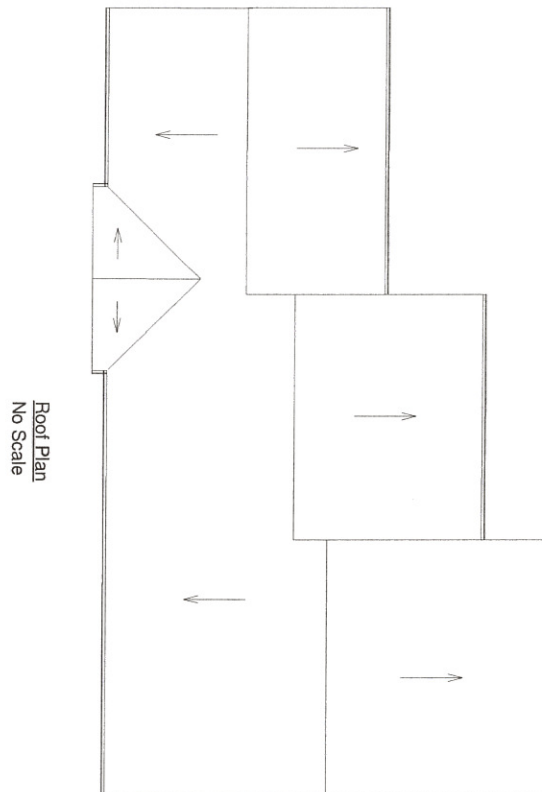
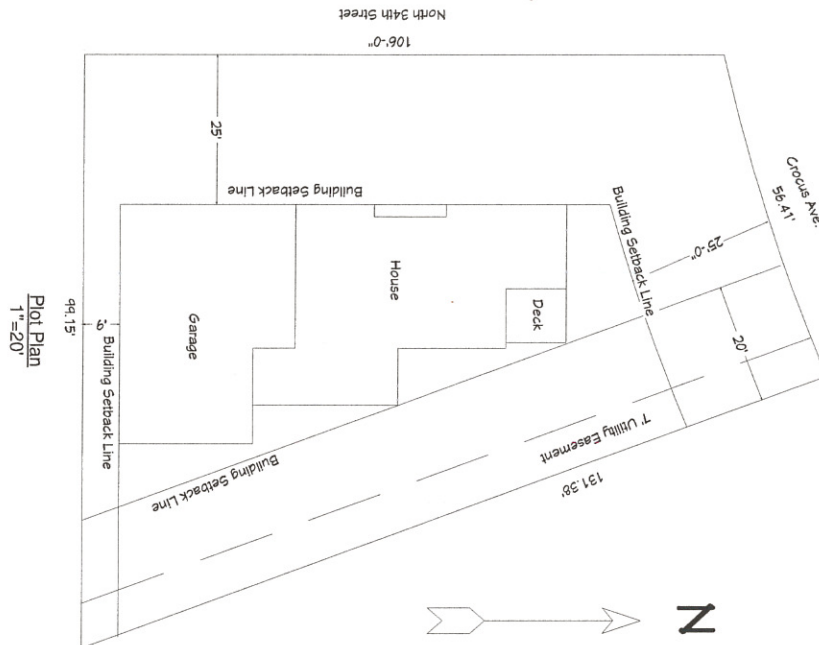
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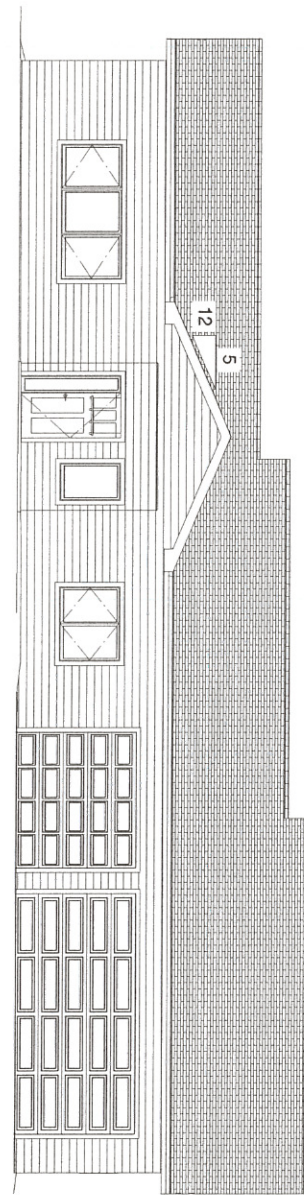
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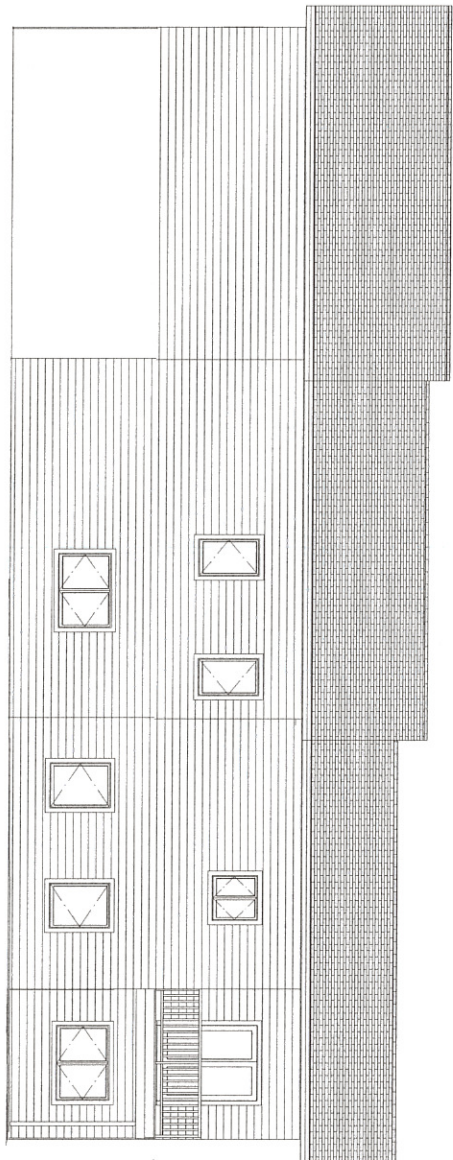
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Front Elevation
1/8" = 1'-0"



Back Elevation
1/8" = 1'-0"

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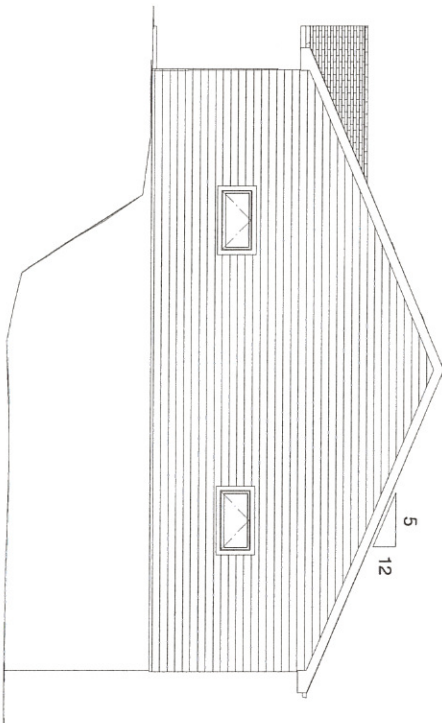
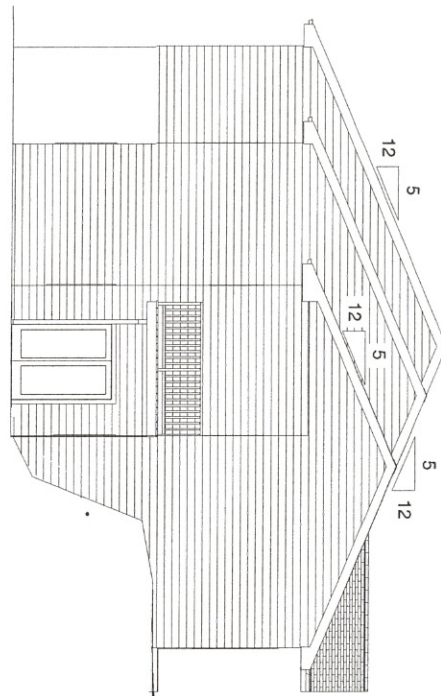
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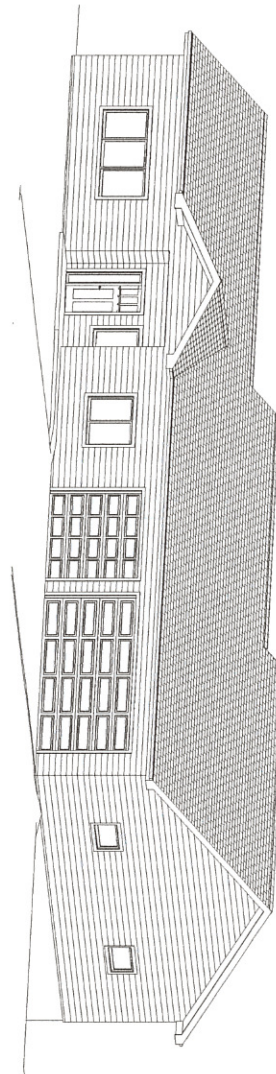
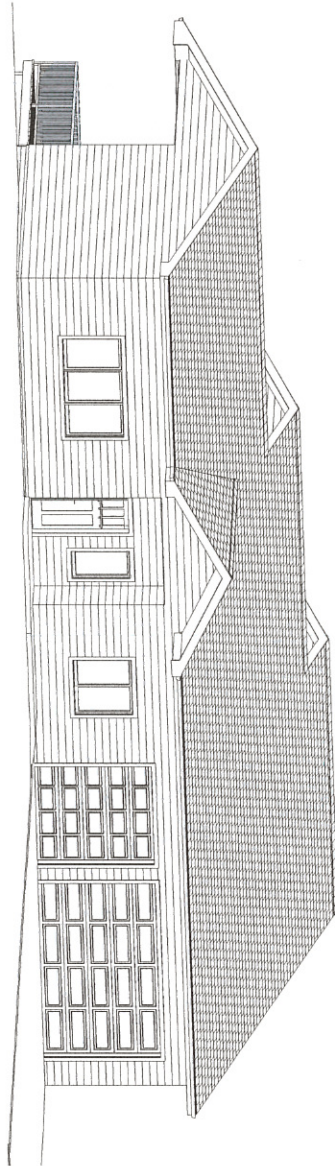
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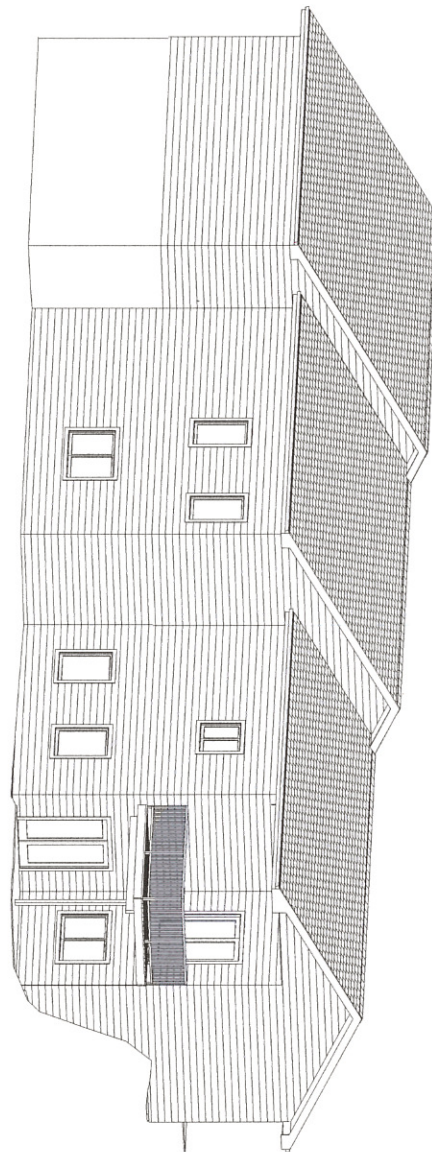
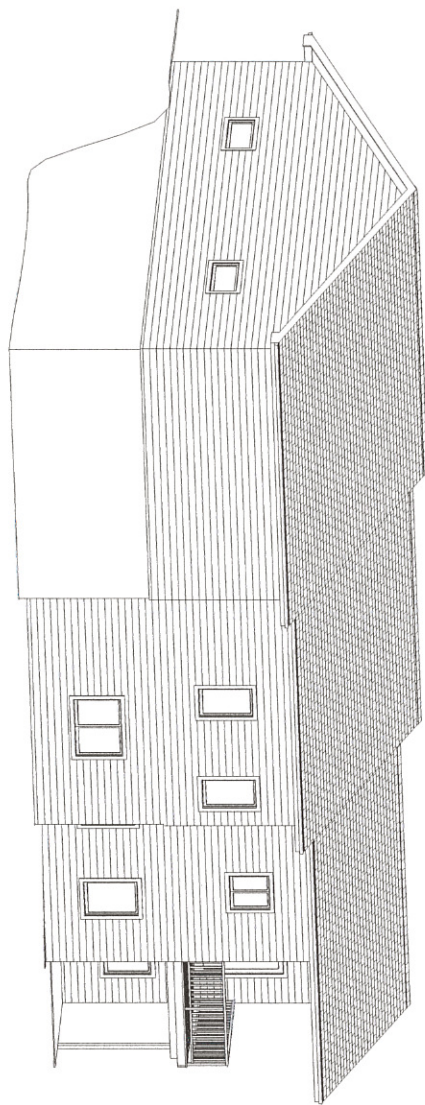
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1204 John Drive
Mandan ND
Cell # 400-5881

ROOF PITCH 5/12
 HEEL HEIGHT 5"
 OVERHANG 18"

 GABLES LOWERED 1 1/2"

 BEAMS MARKED ON PLAN ARE PROVIDED
 BY TRUSS SUPPLIER AS REQUESTED
 BY CONTRACTOR

 VALLEY TRUSSES ARE PROVIDED
 BY TRUSS SUPPLIER

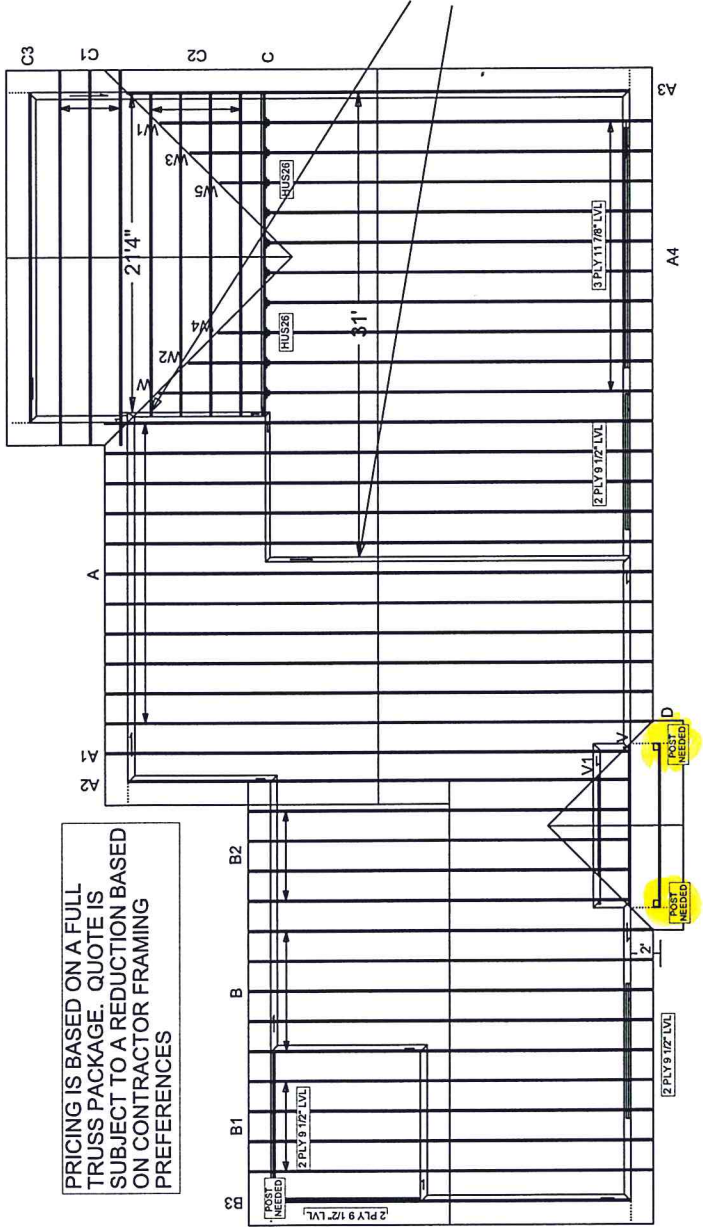
 ROOF PLANES ARE ALTERED AS
 REQUESTED BY CONTRACTOR

 ALL CEILINGS ARE FLAT

 IRC 2012 BUILDING CODE
 30-7-10 LOADING

 GARAGE/HOUSE SEPERATION WALLS
 LOCATIONS DO NOT MATCH TYPICAL
 PLACEMENT ON FLOOR PLAN ACCORDING
 TO FOUNDATION. CONTRACTOR TO
 VERIFY MAIN FLOOR WALL LOCATIONS

 Roof Plane Sheathing Area = 2985 sq. ft
 Gable Sheathing Area = 408 sq. ft
 Total Sheathing Area = 3393 sq. ft
 Fascia Material = 269 linear ft
 Valley Flashing Material = 57 linear ft
 Ridge Cap Material = 106 linear ft



PRICING IS BASED ON A FULL
 TRUSS PACKAGE. QUOTE IS
 SUBJECT TO A REDUCTION BASED
 ON CONTRACTOR FRAMING
 PREFERENCES

Designed By: TM
 Job Name: Scholz Roof
 Sold To: Brandon Scholz
 Date: 10-10-2016

JOB NO:
 B26061

PAGE NO:
 1 OF 1



Permit Inspections City of Bismarck

Permit Number: **BRES2016-0609**

Description: **SINGLE FAMILY WITH FINISHED BASEMENT**

Applied: **9/13/2016**

Approved: **9/14/2016**

Site Address: **935 N 34TH ST**

Issued: **9/15/2016**

Finalized:

City, State Zip Code: **BISMARCK, ND 58501**

Status: **ISSUED**

Applicant: **BRANDON SCHOLZ**

Parent Permit:

Owner: **SCHOLZ, BRANDON & MICALA**

Parent Project:

Contractor: **<NONE>**

Details:

LIST OF INSPECTIONS

SEQ ID	SCHEDULED DATE	COMPLETED DATE	TYPE	INSPECTOR	RESULT	REMARKS
1	10/14/2016 AM	10/14/2016	BUILDING FOOTING	Mark Kern	PASS	R10 P12 220-0347
Notes: - 16" wide X 8" deep- 24" wide X 8" deep at SE corner where 12' wall is, contractor has verts that will be wet set into the concrete every 12"- Location OK						
2	10/19/2016	10/19/2016	BUILDING FOUNDATION	Mark Kern	PASS	RN P4:30 391-5632
Notes: - Ground Rod in west house - 12' wall as #4 verts at 12" oc and (2) rows of #4 horizontals at 12" oc - 10' walls have #4 verts at 12" oc and #4 horizontals at 2,1,1,2 - Rest of walls OK						
3	11/10/2016 AM	11/10/2016	BUILDING DRAIN TILE	Mike Smith	PASS	471-2604
Notes:						
4			BUILDING FRAMING	Mark Kern		
Notes:						
4	3/1/2017	3/1/2017	BUILDING FRAMING	Mike Smith	REINSPECTION REQUIRE	290-9369
Notes: Headroom clearance on stairs need to be 6 foot 8						



Permit Inspections City of Bismarck

4	3/6/2017	3/7/2017	BUILDING FRAMING	Mark Kern	REINSPECTION REQUIRE	(1k bx gar door 1984) 290.9369
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Notes:

- Need the drawings for the truss modifications that were done to achieve the 6'-8" headroom.
- Draftstop in the basement (install 1/2" sheetrock, 1/2" OSB, or staple in-faced batt insulation) parallel to one of the trusses (pick one close to the stairway)
- Install a top of wall brace on the south garage wall (the same type of brace that is installed on the east garage wall)
- Install (2) hurricane clips on the north side of the 2-ply roof truss girder in the garage (check the truss drawings to see how many pounds of uplift are required)
- Re-enforce both sides of the studs (at the stairway wall in the laundry room) that the plumbers had to drill through for the PVC pipes. Use a combination of stud shoes and metal straps. Stud shoes on the upper holes and straps on the lower holes. Straps to extend 6" above and below the hole and fastened with Nails
- There is a zoning issue with the 4x4 posts for the front covered entry. The 4x4 posts are not allowed to be anchored inside the 25' setback (they are at approximately 23'-6"). I will contact the homeowner to discuss the options that he has (designing a new bearing system, shortening the overhang, moving the posts back, etc...)
- The west and south concrete walls in the mechanical room will have to be insulated. Options R-13 cavity, R-10 rigid foam (any exposed foam plastic must be covered with 1/2" sheetrock)
- Deck not built yet, no ledger board

4	3/14/2017	3/14/2017	BUILDING FRAMING	Mark Kern	REINSPECTION REQUIRE	290.9369
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Notes:

- Hurricane clips and top of wall brace at south garage gable are completed
- There are 2 items that still need to be taken care of prior to approval of the framing, they are...
 - Need the drawings for the truss modifications that were done to achieve the 6'-9" headroom. Drawings can be emailed to myself.
 - Re-enforce both sides of the studs (at the stairway wall in the laundry room) that the plumbers had to drill through for the PVC pipes. Use a combination of stud shoes and metal straps. Stud shoes on the upper holes and straps on the lower holes. Straps to extend 6" above and below the hole and fastened with Nails. - Re-inspection required for this item and this item only.
- Draftstop to be installed by the homeowner this weekend.
- Homeowner also to fireblock the tub/shower opening (use insulation to fill the hole in the floor sheathing)
- The homeowner has applied for a variance for the front covered entry that is built into the front yard setback.
- Deck not built yet, no ledger board

4	3/21/2017	3/21/2017	BUILDING FRAMING	Mark Kern	PARTIAL APPROVAL	REINSP 290-9369 CODE1984
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Notes:

- All corrections made, framing OK- Partial Approval pending the outcome of the Board of Adjustment meeting.- Deck not built yet, no ledger board- Board of Adjustment meets Thursday April 6, 2017. Homeowner has applied for a variance to reduce his front yard setback from 25' to 23' in order to construct a covered porch.- If the variance is denied, then the homeowner will have to submit to our office his plans of how he is going to bring the front covered porch into compliance.- If the variance is approved, I will change the status of the framing inspection from "Partial Approval" to "Pass"



Permit Inspections
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5			BUILDING FINAL**	Mark Kern		
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Notes:



City of Bismarck
Community Development Department
Planning Division
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PO Box 5503 * Bismarck, ND 58506-5503
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Last Revised: 01/2017

WRITTEN STATEMENT OF HARDSHIP (VARIANCE REQUEST)

NOTE: WRITTEN STATEMENTS OF HARDSHIP MUST ACCOMPANY EVERY VARIANCE REQUEST APPLICATION

PROPERTY INFORMATION

Property Address or Legal Description:
(Lot, Block, Addition/Subdivision)

935 N 34th St, Bismarck

Location of Property:

☒ City of Bismarck

☐ ETA

Type of Variance Requested:

Lot Line Adjustment

Applicable Zoning Ordinance:
(Chapter/Section)

Describe how the strict application of the requirements of the Zoning Ordinance would limit the use of the property. (Only limitations due to physical or topographic features – such as an irregularly shaped, narrow, shallow or steep lot or other exceptional physical or topographic condition – that are unique characteristics and not applicable to other properties in the neighborhood are eligible for a variance. Variances cannot be granted on the basis of economic hardship or inconvenience.)

The lot is shallow front to back. See plat drawing

Describe how these limitations would deprive you of reasonable use of the land or building involved, and result in unnecessary hardship.

By moving the house back two feet to allow for the porch over hang I would lose 5g feet in the home.

Describe how the variance requested is the minimum variance necessary to allow reasonable use of the property.

I am looking for 2' into the front yard set back + 10' wide to allow for the front porch post.